

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

RITA JAEGER,

Plaintiff,

v.

TARGET CORPORATION, d/b/a

TARGET STORES, and CASSANDRA GOMEZ,

Defendant.

Removed from 2020L012150

Jury Demand

NOTICE OF REMOVAL

TARGET CORPORATION, Defendant in the above entitled cause, seeks removal from the Circuit Court of Cook County and to the United States District Court, Northern District of Illinois, Eastern Division and, in support thereof, allege as follows:

1. This action was commenced against TARGET CORPORATION, in the Circuit Court of Cook County, Illinois on 11/12/20. A copy of Plaintiff's Complaint was served upon Defendant TARGET CORPORATION on 12/4/20.

2. Plaintiff has also named Defendant TARGET CORPORATION's employee, Cassandra Gomez, as a defendant in this case. However, she has not yet been served. More importantly, Ms. Gomez is not a proper party defendant. Ms. Gomez works in the Human Resources Department and did not respond to the accident scene or have any involvement in the alleged accident, which consists of an alleged collision between Plaintiff and another employee who was pushing a Three-tier cart. Ms. Gomez had no responsibility for supervision of the employee who was involved in the alleged occurrence. In fact, she was not even working on the date of the alleged accident.

3. Defendant TARGET CORPORATION is responsible for all actions and omissions of its employees including Ms. Gomez, during the course and scope of their employment. There is no allegation in Plaintiff's complaint of any intentional actions or omissions by any employees which could

be interpreted to be outside the course and scope of their employment. Accordingly, the inclusion of Ms. Gomez as a party defendant is not necessary to establish liability against Defendant TARGET CORPORATION. Plaintiff has simply named Ms. Gomez as a defendant in a transparent attempt to defeat diversity jurisdiction. This court must not allow this type of gamesmanship to defeat proper Federal Court jurisdiction.

4. At the time the action was commenced and since then, upon information and belief, Plaintiff was and is a citizen of the County of Cook, State of Illinois and Defendant, TARGET CORPORATION, was and is a corporation organized and existing under the laws of the State of Minnesota with its principal place of business in Minneapolis, Minnesota.

5. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs, as appears from Plaintiff's Complaint at Law. (A copy of which is attached hereto and incorporated herein by reference in this Notice as Exhibit "A"). Per her Complaint, Plaintiff, RITA JAEGER, allegedly sustained injuries and has incurred substantial medical bills and other economic damages, along with pain, suffering, loss of a normal life, disfigurement and other non-economic damages. In her Complaint, Plaintiff has also demanded judgment against Defendants in an amount in excess of the \$50,000.00 jurisdictional limits, plus costs.

6. Additionally, Plaintiff's attorney informed Defendant's Third-Party Administrator, Sedgwick, that Plaintiff had sustained a fracture to her pelvis from the fall and required in-patient rehabilitation services, which may be indefinite. On 12/30/20, Plaintiff's attorney informed defense counsel that Plaintiff had surgery, accrued \$60,000.00-\$70,000.00 in medical bills and was forced to move to a nursing home as a result of the injuries which she allegedly sustained in the occurrence.

7. This action is a civil one of which the United States District Courts have original jurisdiction under 28 USC §1332.

8. Defendant attaches to this notice, copies of all process, pleadings, and orders that have been served on it. (A copy of which are attached hereto and incorporated by reference in this Notice as Exhibit “B”).

WHEREFORE, Defendant, TARGET CORPORATION, prays that this cause be removed to the United States District Court for the Northern District of Illinois.

BRYCE DOWNEY & LENKOV LLC

TARGET CORPORATION

By: /s/*Rich Lenkov*
One of Defendant’s Attorneys

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Rich Lenkov, being first duly sworn on oath, deposes and says that:

1. He is one of the attorneys for Defendant in this cause;
2. He has prepared and read the notice of removal filed in this cause and has personal knowledge of the facts and matters contained in it;
3. The facts and allegations contained in the notice of removal are true and correct.

BRYCE DOWNEY & LENKOV LLC

TARGET CORPORATION

By: /s/*Rich Lenkov*
One of Defendant's Attorneys

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